

1 ATKINSON, ANDELSON, LOYA, RUUD & ROMO
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5 Attorneys for Defendants RANDY THOMPSON PAINTING, INC.
6 and RANDY RAY THOMPSON

7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA
10
11 SAN FRANCISCO DIVISION

12 BAY AREA PAINTERS AND TAPERS
PENSION FUND, BAY AREA PAINTERS
13 AND TAPERS HEALTH FUND, BAY AREA
PAINTERS AND TAPERS JOINT
14 APPRENTICESHIP TRAINING FUNDS,
AND THEIR JOINT BOARDS OF
15 TRUSTEES; LES PROTEAU AND
CHARLES DEL MONTE, as Trustees; and
16 DISTRICT COUNSEL 16 OF THE
INTERNATIONAL UNION OF PAINTERS
17 AND ALLIED TRADES,

18 Plaintiffs,

19 vs.

20 RANDY THOMPSON PAINTING, INC., a
California corporation, and RANDY RAY
21 THOMPSON, an individual,

22 Defendants.
23
24

CASE NO.: C-07-4703 EDL

**DECLARATION OF DAVID A.
SOLDANI IN SUPPORT OF SECOND
REQUEST TO APPEAR
BY TELEPHONE AT CASE
MANAGEMENT CONFERENCE**

DATE: January 17, 2008
TIME: 11:00 a.m.
DEPT: 9
JUDGE: Hon. William Alsup

25 I, David A. Soldani, declare:

26 1. I am an attorney at law, licensed to practice before all the Courts in the State of
27 California, and am associated with in the law firm of Atkinson, Andelson, Loya, Ruud & Romo,

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1 attorneys for Defendants RANDY THOMPSON PAINTING, INC. and RANDY THOMPSON
2 (“Defendants”).

3 . 2. This declaration is based on my own personal knowledge and, if called upon, I
4 could and would competently testify as to the truth of these facts.

5 3. I make this declaration in support of Defendants’ Second Request to Appear
6 Telephonically at the Case Management Conference now scheduled before Honorable William
7 Alsop on January 17, 2008 at 11:00 a.m. in Department 9 of this court.

8 4. Good cause exists for a telephonic appearance for the following reasons:

9 (a) My office is located in Fresno, California; therefore, the travel expenses
10 and attorney’s fees Defendants would incur as a result of my personal appearance at the Case
11 Management Conference would create an undue hardship for Defendants; and

12 (b) The amount of attorney’s fees Defendants would incur by my personal
13 appearance would constitute a significant percentage of the total amount in controversy in this
14 matter.

15 5. I have made many telephonic appearances at case management conferences both in
16 federal and state courts throughout the State of California and have never, as a result of such
17 telephonic appearances, been unable to meaningfully and effectively participate in such
18 conferences.

19 6. In addition, I have other matters requiring my personal attendance locally,
20 commencing at 2:00 p.m. on the same day as the Case Management Conference and, given the
21 distance, I would run the risk of missing those commitments or arriving late.

22 7. The interests of justice will not be thwarted by my appearing telephonically at this
23 Case Management Conference.

24 8. The parties in this matter continue to work toward resolving this matter without
25 the intervention of the court at this time.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct and that this declaration was executed on January 9, 2008, at Fresno,
3 California.

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5 /s/
6 David A. Soldani
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ATKINSON, ANDELSOHN, LUTIA, RUSSELL & RUMMO
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PROOF OF SERVICE

My business address is 555 West Shaw Avenue, Post Office Box 5394, Fresno, California 93755. I am employed in Fresno County, California. I am over the age of 18 years and am not a party to this case.

On the date indicated below, I served the foregoing document(s) described as **DECLARATION OF DAVID A SOLDANI IN SUPPORT OF SECOND REQUEST TO APPEAR BY TELEPHONE AT CASE MANAGEMENT CONFERENCE** on all interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Muriel B. Kaplin, Esq. Fax No.: (415) 882-9287
 Michele R. Stafford, Esq.
 SALTZMAN & JOHNSON LAW CORPORATION
 120 Howard Street, Suite 520
 San Francisco, California 94105

____ (BY MAIL) I am readily familiar with the business' practice for collection and processing of correspondence for mailing, and that correspondence, with postage thereon fully prepaid, will be deposited with the United States Postal Service on the date noted below in the ordinary course of business, at Fresno, California.

____ (BY PERSONAL SERVICE) I caused delivery of such envelope(s), by hand, to the office(s) of the addressee(s).

 X (BY ELECTRONIC MAIL) I caused such documents to be scanned into PDF format and sent via electronic mail to the electronic mail addressee(s) of the addressee(s) designated.

____ (BY FACSIMILE) I caused the above-referenced document to be delivered by facsimile to the facsimile number(s) of the addressee(s).

____ (BY OVERNIGHT MAIL) I caused the above-referenced envelope(s) to be delivered to an overnight courier service for delivery to the addressee(s).

EXECUTED ON January 7, 2008, at Fresno, California.

____ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

 X (FEDERAL) I declare that I am employed in this office of a member of the bar of this court at whose direction this service was made.

_____/s/
 L. Lynne King

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